



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12

Applicants: Miki *et al.*  
Serial No.: 09/673,333  
Filed: February 28, 2001  
Atty Dkt: 1096.001C  
Group Art Unit: 1638  
Examiner: Collins, C.  
Title: SEED-COAT PROMOTERS,  
GENES AND GENE  
PRODUCTS

Certificate of Mailing Under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Director of the United States Patent and Trademark Office, P. O. Box 1450, Alexandria, VA, 22313-1450 on June 25, 2003.

*Candice J. Clement*

Candice J. Clement  
Attorney for Applicants  
Reg. No. 39,946

Date of Signature: June 25, 2003

RECEIVED  
JUL 07 2003  
TECH CENTER 1600/2900

Director of the United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA, 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 USC 121**

Dear Sir:

This paper is submitted in response to an Office Action mailed January 27, 2003, which set a one month period for response. In light of the Request and fee for an Extension of Time, this paper is timely filed.

The Action requires an election between seven groups of claims:

- I. claims 1-10, 21 and 29, drawn to an isolated genomic DNA sequence characterized by the restriction map of figure 11(a), SEQ ID NO: 8;
- II. claims 1-10, 21 and 29, drawn to an isolated genomic DNA sequence characterized by the restriction map of figure 11(b), SEQ ID NO: 5;
- III. claims 1-10, 21 and 29, drawn to an isolated genomic DNA sequence characterized by the restriction map of figure 11(c), SEQ ID NO: 7;
- IV. claims 1-10, 21 and 29, drawn to an isolated genomic DNA sequence characterized by the restriction map of figure 11(d), SEQ ID NO: 9;

- V. claims 11-20, 22-28, 30-32 and 37-40, drawn to a seed coat promoter obtained from the genomic DNA of SEQ ID NO: 7, and to a vector, plant cell and seed comprising the promoter;
- VI. claims 11-20, 22-28, 30, 33-34, 41 and 43, drawn to a seed coat promoter obtained from the genomic DNA of SEQ ID NO: 8, and to a vector, plant cell and seed comprising the promoter; and
- VII. claims 11-20, 22-28, 30, 35-36, 42 and 44, drawn to a seed coat promoter obtained from the genomic DNA of SEQ ID NO: 9, and to a vector, plant cell and seed comprising the promoter.

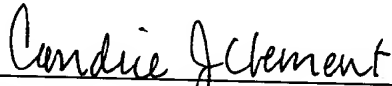
Applicants hereby elect the claims of Group I:

claims 1-10, 21 and 29, drawn to an isolated genomic DNA sequence characterized by the restriction map of figure 11(a), SEQ ID NO: 8;

This election is without traverse, and without prejudice to Applicants' rights to pursue the non-elected subject matter in one or more continuing applications..

Respectfully submitted,

June 25, 2003

  
CANDICE J. CLEMENT, ESQ.  
Attorney for Applicants  
Registration Number 39,946  
HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 Columbia Circle  
Albany, New York 12203  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579